

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Staff Sergeant DEDRICK L. GRAHAM
United States Air Force

ACM 37037

25 June 2008

Sentence adjudged 14 March 2007 by GCM convened at RAF Lakenheath, United Kingdom. Military Judge: Gordon R. Hammock (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 200 days, and reduction to E-3.

Appellate Counsel for the Appellant: Lieutenant Colonel Mark R. Strickland and Major Shannon A. Bennett.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Major Donna S. Rueppell, and Major Amy E. Hutchens.

Before

FRANCIS, BRAND, and HEIMANN
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

The appellant was tried at Royal Air Force Lakenheath, United Kingdom before a military judge alone. Consistent with his pleas he was convicted of one specification of absence without leave (AWOL) for a period twenty-one days, one specification of willful dereliction of duty for misuse of his government travel card, one specification of use of cocaine, and one specification of wrongful appropriations of over \$500 of overseas housing allowance. The charges were in violation of the UCMJ, Articles 86, 92, 112a, and 121, 10 U.S.C. §§ 886, 892, 912(a), and 921 respectively. The adjudged sentence consisted of a bad-conduct discharge, confinement for 200 days and reduction to E-3. The convening authority approved the sentence as adjudged.

The appellant raises one issue on appeal. He claims the bad-conduct discharge portion of his sentence is inappropriately severe.

This Court reviews sentence appropriateness de novo. *United States v. Baier*, 60 M.J. 382, 383-84 (C.A.A.F. 2005). We make such determinations in light of the character of the offender, the nature and seriousness of his offenses, and the entire record of trial. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982); *United States v. Bare*, 63 M.J. 707, 714 (A.F. Ct. Crim. App. 2006), *aff'd*, 65 M.J. 35 (C.A.A.F. 2007). This Court has a great deal of discretion in determining whether a particular sentence is appropriate, but is not authorized to engage in exercises of clemency. *United States v. Lacy*, 50 M.J. 286, 288 (C.A.A.F. 1999); *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988); *United States v. Dodge*, 59 M.J. 821, 829 (A.F. Ct. Crim. App. 2004), *aff'd in part and rev'd in part on other grounds*, 60 M.J. 368 (C.A.A.F. 2004).

The appellant was a noncommissioned officer who committed numerous serious offenses involving cocaine use, willful dereliction, AWOL, and wrongful appropriation. Clearly a punitive discharge is appropriate.

Conclusion

The approved findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL



STEVEN LUCAS, YA-02, DAF
Clerk of the Court